

51

223/4

**Commonwealth of Kentucky**  
**Environmental and Public Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382

**AIR QUALITY PERMIT**  
Issued under 401 KAR 52:040

**Permittee Name:** Liter's Inc.  
**Mailing Address:** 5918 Haunz Lane  
Louisville, Kentucky 40241

**Source Name:** Trimble County Sand & Gravel  
**Mailing Address:** Same as above

**Source Location:** 920 Wise Landing  
Bedford, Kentucky 40006

**Permit Number:** S-05-154  
**Source A. I. #:** 4053  
**Activity #:** APE2005000  
**Review Type:** Minor Source Operating  
**Source ID #:** 21-223-00004

**Regional Office:** Florence Regional Office  
8020 Veterans Memorial Drive, Suite 110  
Florence, Kentucky 41042  
(859) 525-4923

**County:** Trimble

**Application**  
**Complete Date:** August 25, 2005  
**Issuance Date:** October 5, 2005  
**Expiration Date:** October 5, 2015

E-Signed by Diana Andrews  
VERIFY authenticity with Approval



**John S. Lyons, Director**  
**Division for Air Quality**

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:040, State-origin permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining other permits, licenses, or approvals that may be required by the Cabinet or other federal, state, or local agencies.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- |           |      |  |
|-----------|------|--|
| <b>01</b> | (6)  | <b>Oversize Chute and Transfer Points (From 5'x 12' Double Deck Screen) (Wet Process – No Emissions)</b>               |
|           | (9)  | <b>Log Washer (Wet Process – No Emissions)</b>   |
|           | (13) | <b>Sizing Chutes (4) and Transfer Points (Wet Process – No Emissions)</b>  |
|           | (15) | <b>Classifier (8 Station) (Wet Process – No Emissions)</b>   |
|           | (18) | <b>Conveyor and Transfer Points (36"x 85' Stacking) (To Mortar Sand Stockpile) (Wet Process – No Emissions)</b>        |
|           | (20) | <b>Conveyor and Transfer Points (30"x 110' Stacking) (To Construction Sand Stockpile) (Wet Process – No Emissions)</b> |
| <b>03</b> | (-)  | <b>Stockpile (From Oversize Chute)</b>   |
|           | (-)  | <b>Truck Loadout (Oversize Chute Material)</b>   |
|           | (-)  | <b>Stockpile (From Sizing Chutes)</b>  |
|           | (-)  | <b>Truck Loadout (Sizing Chute Material)</b>   |
|           | (-)  | <b>Stockpile (From Sizing Chutes)</b>  |
|           | (-)  | <b>Truck Loadout (Sizing Chute Material)</b>   |
|           | (-)  | <b>Stockpile (From Sizing Chutes)</b>  |
|           | (-)  | <b>Truck Loadout (Sizing Chute Material)</b>   |
|           | (-)  | <b>Stockpile (From Sizing Chutes)</b>  |
|           | (-)  | <b>Truck Loadout (Sizing Chute Material)</b>   |
|           | (-)  | <b>Stockpile (Mortar Sand)</b>   |
|           | (-)  | <b>Truck Loadout (Mortar Sand)</b>   |
|           | (-)  | <b>Stockpile (Construction Sand)</b>   |
|           | (-)  | <b>Truck Loadout (Construction Sand)</b>   |
| <b>04</b> | (-)  | <b>Haul Road and Yard Area (Unpaved)</b>   |

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- |    |     |                       |
|----|-----|-----------------------|
| 05 | (-) | 57's Stockpile        |
|    | (-) | 57's Truck Loadout    |
|    | (-) | Rip Rap Stockpile     |
|    | (-) | Rip Rap Truck Loadout |
|    | (-) | 8's Stockpile         |
|    | (-) | 8's Truck Loadout     |
|    | (-) | 3's Stockpile         |
|    | (-) | 3's Truck Loadout     |
|    | (-) | 3M's Stockpile        |
|    | (-) | 3M's Truck Loadout    |
|    | (-) | DGA Stockpile         |
|    | (-) | DGA Truck Loadout     |

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 63:010, Fugitive emissions, applies to each of the affected facilities listed above.

**1. Operating Limitations:**

N/A

**2. Emission Limitations:**

The materials processed at each affected facility listed above shall be controlled with either wet suppression and/or enclosures so as to comply with the requirements stated in regulation 401 KAR 63:010, Fugitive emissions, Section 3, Standards for fugitive emissions.

**Compliance Demonstration Method:**

See Section C, General Conditions F.1.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**3. Testing Requirements:**

N/A

**4. Monitoring Requirements:**

See Section C, General Conditions F.1.

**5. Recordkeeping Requirements:**

See Section C, General Conditions B.1, B.2, and F.1.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, C.3, and F.2.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 02 (5) Screen (5' x 12' Double Deck Tyler) (Wet Process – No Emissions)  
(Maximum Rated Capacity- 160 tons/hour)
- (8) Conveyor and Transfer Points (36" x 22") (From 5' x 12' Double Deck Screen to Log Washer) (Wet Process – No Emissions)
- (10) Conveyor and Transfer Points (24" x 10') (From Log Washer to 18"x 35' Conveyor) (Wet Process – No Emissions)
- (11) Conveyor and Transfer Points (18" x 35') (From 24" x 10' Conveyor to 3'x9' Triple Deck Screen) (Wet Process – No Emissions)
- (12) Screen (3' x 9' Triple Deck Simplicity) (Wet Process – No Emissions)  
(Maximum Rated Capacity- 100 tons/hour)
- (7) Sand Chute and Transfer Points (From 5' x 12' Double Deck Screen to Classifier) (Wet Process – No Emissions)
- (16) Conveyor and Transfer Points (36" x 25' Screw) (From Classifier to 36"x 85' Stacking Conveyor) (Wet Process – No Emissions)
- (17) Conveyor and Transfer Points (36" x 25' Screw) (From Classifier to 36"x 60' Conveyor) (Wet Process – No Emissions)
- (19) Conveyor and Transfer Points (36" x 60') (From 36" x 25' Screw Conveyor to 30"x110' Stacking Conveyor) (Wet Process – No Emissions)

**Applicable Regulations:**

State Regulation 401 KAR 60:670, New nonmetallic mineral processing plants (40 CFR 60, Subpart OOO as modified by Section 2 of 401 KAR 60:670), applies to each of the affected facilities listed above.

**1. Operating Limitations:**

N/A

**2. Emission Limitations:**

Fugitive emissions from the two screens, emission points 02 (5) and (12), and the seven conveyors and transfer points, emission points 02 (8), (10), (11), (7), (16), (17), and (19), shall not exhibit greater than ten percent (10%) opacity, each, as specified in State Regulation 401 KAR 60:670 (40 CFR 60.672(b)).

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Compliance Demonstration Method:**

In determining compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c), except for wet processes, which are exempt from Method 9, as specified in 40 CFR 60.675 (h)(1) and (2).

**3. Testing Requirements:**

N/A

**4. Monitoring Requirements:**

See Section C, General Condition F.1.

**5. Recordkeeping Requirements:**

See Section C, General Conditions B.1., B.2., and F.1.

**6. Reporting Requirements:**

See Section C, General Conditions C.1., C.2., C.3., and F.2.

## **SECTION C - GENERAL CONDITIONS**

### **A. Administrative Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:040, Section 15]
3. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Material incorporated by reference by 401 KAR 52:040, Section 1a, 11].
4. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition [Material incorporated by reference by 401 KAR 52:040, Section 1a, 4,5].
5. This permit does not convey property rights or exclusive privileges [Material incorporated by reference by 401 KAR 52:040, Section 1a, 8].
6. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:040 Section 11(3)].
7. This permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in 401 KAR 50:038, Air emissions fee. The permittee shall submit an annual emissions certification pursuant to 401 KAR 52:040, Section 20.
8. All previously issued permits to this source at this location are hereby null and void.

**SECTION C - GENERAL CONDITIONS (CONTINUED)****B. Recordkeeping Requirements**

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:040 Section 3(1)(f)].
2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21.

**C. Reporting Requirements**

1. a. In accordance with the provisions of 401 KAR 50:055, Section 1, the permittee shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - i. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
- b. The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1. a. above), the probable cause of the deviation, and corrective or preventive measures taken; to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report [Material incorporated by reference by 401 KAR 52:040, Section 5, 3].
2. The permittee shall furnish information requested by the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the permit [Material incorporated by reference by 401 KAR 52:040, Section 1a, 6].
3. Summary reports of monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

The summary reports are due January 30th and July 30th of each year. All deviations from permit requirements shall be clearly identified in the reports. All reports shall be certified by a

responsible official pursuant to 401 KAR 52:040, Section 21.

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

### **D. Inspections**

1. In accordance with the requirements of 401 KAR 52:040, Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation.
  - b. To access and copy any records required by the permit.
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit.
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

### **E. Emergencies/Enforcement Provisions**

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Material incorporated by reference by 401 KAR 52:040, Section 1a, 3].
2. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement [401 KAR 52:040, Section 22(1)].
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:040, Section 22(2)].



**SECTION C - GENERAL CONDITIONS (CONTINUED)****F. Compliance**

1. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - a. Pursuant to 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by 401 KAR 50:055, Section 1.
  - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and nonroutine maintenance performed on each control device.
  - c. A log of the monthly raw material consumption and monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program, spread sheets, calculations or performance tests as may be specified by the Division [401 KAR 50:055, Section 2].
2. Pursuant to 401 KAR 52:040, Section 19, the permittee shall certify compliance with the terms and conditions contained in this permit by January 30th of each year, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, and
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality	Division for Air Quality
Florence Regional Office	Central Files
8020 Veterans Memorial Drive	803 Schenkel Lane
Suite 110	Frankfort, KY 40601-1403
Florence, Kentucky 41042	

**SECTION C - GENERAL CONDITIONS (CONTINUED)**

3. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with all:
  - (a) Applicable requirements that are included and specifically identified in this permit; or
  - (b) Non-applicable requirements expressly identified in this permit [401 KAR 52:040, Section 11].

## **PERMIT FACT SHEET**

<b>PERMIT REVIEWER:</b>	<b>Ben Corbin</b>
<b>DATE:</b>	<b>8/25/05</b>
<b>SOURCE NAME:</b>	<b>Trimble County Sand &amp; Gravel</b>
<b>SOURCE I.D. #:</b>	<b>21-223-00004</b>
<b>SOURCE A.I #:</b>	<b>4053</b>
<b>SUBJECT:</b>	<b>Minor Source, Operating</b>
<b>ACTIVITY #:</b>	<b>APE20050002</b>
<b>PERMIT NUMBER:</b>	<b>S-05-154</b>

**DESCRIPTION: PERMIT RENEWAL FOR Trimble County Sand & Gravel**

**COMMENTS: THERE WERE NO CHANGES IN EQUIPMENT. THE ONLY CHANGE WAS TO UPDATE THE PERMIT TO CURRENT FORM.**